



October 23, 2017

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Regional Freedom of Information Officer
U.S. EPA, Region 3
1650 Arch Street (3CG00)
Philadelphia, PA 19103

To Whom It May Concern:

On behalf of our client Bay Journal Media, Inc., we make the following request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and the U.S. Environmental Protection Agency's FOIA regulations, 40 C.F.R. Part 2, for records concerning:

- 1) Any termination before the stated end date of any EPA grant award in effect as of January 20, 2017. For this request, please search for records from January 20, 2017 to the date of the search.
- 2) The subject matter or content of the *Bay Journal*. For this request, please search for records from January 20, 2017 to the date of the search.
- 3) Any complaints, requests for an investigation, or other communications to the EPA's Inspector General regarding the termination of EPA Grant CB-96342701. For this request, please search for records from August 1, 2017 to the date of the search.
- 4) Any communications between EPA and the Chesapeake Executive Council, including any employee or member thereof, regarding the *Bay Journal*. For this request, please search for records from January 20, 2017 to the date of the search.
- 5) Any "change in Agency priorities" (as that term is used in the September 20, 2017 letter to the Bay Journal Media, Inc. from Diana Esher, Assistant Regional Administrator for



Policy and Management US EPA Region III) with respect to the Chesapeake Bay Program, including in relation to grant programs. For this request, please search for records from January 20, 2017 to the date of the search.

Please search for communications to or from any and all employees or contractors in the following EPA offices: Office of the Administrator; Office of Congressional and Intergovernmental Relations; Office of Public Affairs; Region III; Chesapeake Bay Program Office; Office of Inspector General; or Office of Grants & Debarments. If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

For speed of processing, a rolling release of records is requested.

Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes or audio or video recordings of any meetings, telephone conversations or discussions.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. §552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).



To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of search fees for the records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Pursuant to 40 C.F.R. § 2.102(d), we agree to pay up to \$500 for the processing of this request. Please contact us if there are additional, applicable fees. In addition, please contact us if you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within the 20-day period

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Josephine Morse

Josephine Morse*

Senior Counsel

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*Admitted in the New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

Cc: Joel M. Gross, Arnold & Porter Kaye Scholer (co-counsel in this matter)